



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene  
Office of Health Care Quality  
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Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein M.D., Secretary

**Transmittal**

To: All Interested Parties

From: Nancy Grimm, RN, JD *Nancy Grimm, RN, JD*  
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DHMH

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State EMS Medical Director  
MIEMSS

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**Maryland Medical Orders for Life-Sustaining Treatment (MOLST) FAQs  
September 30, 2011**

**Why did DHMH decide not to proceed with the emergency regulations for Maryland MOLST?** The development and implementation of MOLST is an important step to help health care providers honor individuals' wishes for life-sustaining treatments. Key stakeholders requested that the Department allow additional time for public comment prior to implementation. This additional time should be used by health care facilities and programs to refine policies and procedures related to health care decision making.

**Why can't you give an exact date that the Maryland MOLST regulations will be mandatory?** There are many steps involved in the process, so we cannot give the exact date. We expect the proposed regulations to become effective between January and April 2012. As soon as information is available, it will be posted on the Maryland MOLST website.

**Will nursing homes and assisted living facilities still have six months from the mandatory date of implementation to complete Maryland MOLST forms for those individuals admitted to the facility prior to the date of implementation?** Yes. For six months after the mandatory implementation date, the Office of Health Care Quality will not cite deficiencies related solely for failure to complete the MOLST form for a resident who was admitted prior to the implementation date.

**May a facility or program begin to implement the Maryland MOLST form and processes?** Yes, but implementation is voluntary. Since the regulations have not been finalized and the Department is currently accepting public comment on the draft form, the Office of Health Care Quality will not issue technical deficiencies based solely on the Maryland MOLST form; however, deficiencies based on all other federal, state, and local regulations will continue to be cited as usual.

**In nursing homes, are the requirements for the Instructions on Current Life-Sustaining Treatment Options (LSTO) in COMAR 02.06.03 still in effect?** No, but facilities must continue to have policies and procedures in place to protect patients' rights.

**Will the current EMS DNR form still be available?** Yes, the current MIEMSS EMS DNR form will be available at:

[http://www.miemss.org/home/Portals/0/Docs/OtherPDFs/DNRorder\\_form.pdf](http://www.miemss.org/home/Portals/0/Docs/OtherPDFs/DNRorder_form.pdf)

**When will prior versions of the EMS DNR forms expire?** Never. All prior versions of the EMS DNR order forms never expire.

**Will EMS providers throughout the state of Maryland recognize and honor orders contained in the draft Maryland MOLST form?** Yes. If a physician or nurse practitioner completes a Maryland MOLST form, EMS providers will treat the orders as equivalent to orders contained in an EMS DNR form and will follow orders on the MOLST form as per the Maryland Medical Protocols for Emergency Medical Services Providers.

**Are health care providers, health care facilities and community based programs permitted to honor orders on the draft Maryland MOLST form?** Yes. At a minimum, providers, facilities, and programs should treat the orders contained in the draft Maryland MOLST form the same way as they treat orders contained in an EMS DNR form.

**Where can I review a copy of the draft Maryland MOLST form?** The link below will allow you to view the current draft form. The Department is currently accepting public comments.

[http://dhmh.maryland.gov/marylandmolst/pages/molst\\_form.htm](http://dhmh.maryland.gov/marylandmolst/pages/molst_form.htm)

**If I would like to submit public comment on the draft form, how may I do it?** Comments will be accepted through October 24, 2011. They may be submitted in writing or orally as listed below:

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Director, Office of Regulation and Policy Coordination  
Department of Health and Mental Hygiene  
201 West Preston Street  
Baltimore, MD 21201

410-767-6499  
(TTY 800-735-2258)

email [regs@dhmh.state.md.us](mailto:regs@dhmh.state.md.us)

fax to 410-767-6483

**How do I get more information?** The website below will contain the most up-to-date information available on MOLST. If your question is not answered on the website, you may email or call the individuals below.

Website: <http://dhmh.maryland.gov/marylandmolst>

Email: [MarylandMOLST@dhmh.state.md.us](mailto:MarylandMOLST@dhmh.state.md.us)

Call: Paul Ballard, JD, Assistant Attorney General, 410-767-6918  
Tricia Tomsko Nay, MD, Office of Health Care Quality, 410-402-8055  
Richard Alcorta, MD, MIEMSS, 410-706-4367